

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6876

BILL NUMBER: HB 1617

NOTE PREPARED: Jan 1, 2005

BILL AMENDED:

SUBJECT: Increased Penalty for Amphetamine Offenses.

FIRST AUTHOR: Rep. Walorski

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It increases the penalties for possession of amphetamine and dealing in amphetamine to the same level as possession of methamphetamine and dealing in methamphetamine.
- B. It makes conforming amendments.

Effective Date: July 1, 2005.

Explanation of State Expenditures: This bill is expected to result in added prison time for possessing or dealing 3 or more grams of amphetamines. Amphetamines are currently classified as a Schedule II drug in terms of controlled substances under Indiana's criminal code. This bill would increase the penalties for dealing and possessing amphetamines when the person possesses or deals more than three grams. The following shows the increases in penalties that this bill proposes.

Added Penalty for Possession or Dealing Three or More Grams of Amphetamines			
	<u>Current Penalty</u>	<u>New Penalty</u>	<u>Range in Added Prison Time*</u>
Possession	Class D Felony	Class C Felony	4 to 12 Years
Dealing	Class B Felony	Class A Felony	14 to 30 Years
*Depends on Mitigating and Aggravating Factors			

The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

The number of offenders that this bill would affect is not known. The Department of Correction (DOC) reports the number of offenders committed to DOC by Indiana Code section. Since under current law amphetamines are classified as a Schedule II controlled substance, either dealing or illegal possession of this drug would be reported with all other drug violations under this section of the code. The following table reports the number of offenders committed to DOC facilities between FY 2000 and 2004 for the general category of either dealing or possession of Schedule I, II, or III controlled substances.

Offenders Committed to DOC for Crimes Involving Possession and Dealing of Schedule I, II, or III Controlled Substances By Fiscal Year						
<u>Felony Level</u>	<u>Category</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
D	Possession Without Valid Prescription	113	148	209	208	204
C	Possession on School Bus or Within 1,000 Feet of School or Other Youth Facilities	21	41	50	52	52
B	Dealing	187	230	294	262	181

Explanation of State Revenues: The maximum fine for all felonies is \$10,000.

Seizure of Assets – Under this bill, law enforcement agencies could seize assets that were used in the unlawful possession of amphetamines. These assets include: vehicles, money, property, and other items. The agency may sell these assets at a public sale and use the proceeds for the benefit of the agency directly participating in the arrest and prosecution of the crime.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction; Indiana State Police.

Local Agencies Affected: Local law enforcement agencies.

Information Sources: Department of Correction.

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